



**PUBLIC**

Kansas Department of Health and Environment  
Bureau of Air and Radiation  
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**Technical Guidance**  
**Class I Permit Revisions - BAR 2005-02**

**Purpose:** K.A.R. 28-19-513 outlines Class I operating permit amendments, modifications, reopenings and changes not requiring permit action. The purpose of this document is to summarize and clarify the requirements of K.A.R. 28-19-513, and give examples. This document is not intended to supersede the requirements of K.A.R. 28-19-513.

Table 1 summarizes K.A.R. 28-19-513 and gives a description, criteria, and some examples of off-permit modifications, administrative amendments, minor and significant modifications, and reopenings.

**Acronyms:**

<b>CAA</b>	Clean Air Act
<b>HAP</b>	Hazardous Air Pollutant
<b>MACT</b>	Maximum Achievable Control Technology, refers to requirements found in 40 CFR Part 63
<b>NESHAP</b>	National Emission Standards for Hazardous Air Pollutants, refers to requirements found in 40 CFR Part 61, and includes MACT standards in Part 63 as well.
<b>NSPS</b>	New Source Performance Standards, refers to requirements found in 40 CFR Part 60
<b>PSD</b>	Prevention of Significant Deterioration, refers to requirements found in 40 CFR Part 52, and associated construction permits

**Table 1. Class I Operating Permit Revision Summary**

<b>Reg.</b>	<b>Description</b>	<b>Criteria</b>	<b>Examples</b>
K.A.R. 28-19-513(g)	<p>Off Permit Changes</p> <p>New equipment that would not alter the conditions of existing equipment and new limits in construction or operating equipment.</p> <p>Establishment of permit terms or conditions for existing equipment.</p>	<p>Changes:</p> <ul style="list-style-type: none"> <li>• Are not subject to CAA Title IV (acid rain);</li> <li>• Are not a CAA Title I <u>modification</u> subject to PSD, an NSPS, MACT, or NESHAP standard (new units subject to NSPS, MACT, or NESHAPs may be off permit changes; new PSD permits cannot be off permit changes);</li> <li>• Shall not violate any existing permit condition;</li> <li>• Don't qualify for permit shield;</li> <li>• Require written notice to KDHE and EPA from the owner or operator, unless insignificant under K.A.R. 28-19-511(b)(3).</li> <li>• Owner/ operator must keep a record describing the changes made that results in emissions of a regulated pollutant subject to an applicable requirement that are not otherwise regulated under the permit, and the emissions resulting from those changes.</li> </ul> <p>Written notice shall include:</p> <ul style="list-style-type: none"> <li>• A description of the change;</li> <li>• Date of the change;</li> <li>• All regulated pollutants emitted;</li> <li>• Any change in emissions;</li> <li>• Any applicable requirements that would apply as a result of the change.</li> </ul>	<ul style="list-style-type: none"> <li>• Construction permit or approval has been issued for new equipment subject to an NSPS or a MACT;</li> <li>• Construction permit has been issued limiting HAP emissions to avoid MACT;</li> <li>• Construction permit has been issued limiting emissions to avoid PSD permit that doesn't change any existing limits/ requirements.</li> <li>• Adding a new unit that is not required to obtain a construction permit or approval.</li> </ul>
K.A.R. 28-19-513(f)	<p>502(b)(10) Changes (Off permit)</p> <p>Changes Involve Acid Rain Equipment And/ Or Changes That Make Permit Terms or Conditions No Longer Applicable.</p>	<p>Changes:</p> <ul style="list-style-type: none"> <li>• Are not a CAA Title I <u>modification</u> subject to PSD, an NSPS, MACT, or NESHAP standard;</li> <li>• Do not cause emissions in excess of any emissions limit stated in the Class I permit;</li> <li>• Do not alter conditions of the permit that address monitoring, recordkeeping, reporting, or compliance certifications;</li> <li>• Require written notification to KDHE and EPA at least 7 days in advance of implementing the proposed change (a proposed change does not necessarily mean removing a piece of equipment, but rather rendering existing permit terms or conditions irrelevant; for example, discontinuing a report on a removed piece of equipment);</li> <li>• Don't qualify for permit shield.</li> </ul> <p>Written notice shall include:</p> <ul style="list-style-type: none"> <li>• A description of the change;</li> <li>• Date of the change;</li> <li>• Any change in emissions;</li> <li>• Any permit term or condition that is no longer applicable as a result of the change.</li> </ul> <p>The source, KDHE, and EPA shall attach the notice to their copy of the relevant permit.</p>	<ul style="list-style-type: none"> <li>• Changes are subject to any provision of Title IV, Acid Rain, such as losing new unit exemption status;</li> <li>• Facility removes a piece of equipment that has emission limits and reports;</li> <li>• Municipal power plant shuts down an acid rain turbine.</li> </ul>

**Table 1. Class I Operating Permit Revision Summary**

<b>Reg.</b>	<b>Description</b>	<b>Criteria</b>	<b>Examples</b>
K.A.R. 28-19-513(a)	Administrative Amendments	<p>The revision:</p> <ul style="list-style-type: none"> <li>• Corrects typographical errors;</li> <li>• Identifies a change in the name, address, or phone number identified in the permit;</li> <li>• Requires more frequent monitoring or reporting;</li> <li>• Allows for a change in ownership or operational control of a source, if a written agreement containing transfer date is submitted to KDHE;</li> <li>• Acid rain permits follow Title IV;</li> <li>• No public notice required;</li> <li>• Changes may be implemented by the source immediately upon submittal of the request.</li> </ul> <p>Clarification note: 513(a)(1)(E) does not apply because KAR 28-19-300 procedures are not equivalent to KAR 28-19-512.</p>	<ul style="list-style-type: none"> <li>• Facility owner changes;</li> <li>• Facility changes name;</li> <li>• Correct typographical errors.</li> </ul>
K.A.R. 28-19-513(e)	<p>Reopenings</p> <p>Initiated by Permitting Authority</p>	<ul style="list-style-type: none"> <li>• Required if an additional applicable requirement under the federal clean air act becomes applicable with a remaining permit term of 3 or more years if the first compliance date is before the permit expiration;</li> <li>• The permit contains a material mistake;</li> <li>• Necessary to revise or revoke the permit to assure compliance with applicable requirements;</li> <li>• Requires 30 days notice of intent to the source.</li> <li>• Procedures are the same as those applying to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists.</li> </ul>	<ul style="list-style-type: none"> <li>• Equipment at the facility becomes subject to a newly promulgated or existing MACT with &gt; 3 years left on the Class I permit term AND the first compliance date is prior to the permit expiration date;</li> <li>• Class I permit lists an emission unit as subject to an NSPS, upon closer review it is discovered that the unit is not subject;</li> <li>• Adding new requirements for an acid rain source.</li> </ul>
K.A.R. 28-19-513(b), (c)	<p>Minor Permit Modifications</p> <p>Involve changes to existing emission units</p> <p>Facility drafts suggested permit (28-19-513(c)(3)(B))</p>	<p>Only used for permit modifications that:</p> <ul style="list-style-type: none"> <li>• Are not a <u>modification</u> subject to PSD, an NSPS, MACT, or NESHAP standard (new units subject to NSPS, MACT, or NESHAPs may be minor modifications);</li> <li>• Do not violate any applicable requirements;</li> <li>• Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;</li> <li>• Do not require or change a case-by-case determination of an emission limit or standard, ambient impact, or a visibility or increment analysis;</li> <li>• Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirements and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject;</li> <li>• May be used for permit modifications involving the use of economic incentives, pollution prevention incentives, emissions trading, etc.</li> </ul> <p>No public participation requirement (28-19-513(b)(2)(A));</p> <p>Follow affected state participation requirements pursuant to K.A.R. 28-19-515(b);</p> <p>Follow EPA participation requirements pursuant to K.A.R. 28-19-515(c);</p> <p>Acid rain permits follow Title IV.</p>	<ul style="list-style-type: none"> <li>• Minor modifications to existing monitoring, reporting, or recordkeeping where the new requirements are equivalent or more stringent.</li> </ul>
K.A.R. 28-19-513(b), (d)	Significant Permit Modifications	<p>Changes:</p> <ul style="list-style-type: none"> <li>• Shall be used for activities that don't qualify as minor modifications;</li> <li>• Shall include every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or record keeping permit terms or conditions;</li> <li>• Requires public notice, affected state, EPA review;</li> <li>• Follow affected state participation requirements pursuant to K.A.R. 28-19-515(b);</li> <li>• Follow EPA participation requirements pursuant to K.A.R. 28-19-515(c);</li> <li>• Follow public participation requirements pursuant to K.A.R. 28-19-515(a) for significant modifications.</li> </ul>	<ul style="list-style-type: none"> <li>• Facility wants to relax a monitoring requirement of the Class I permit;</li> <li>• Incorporate provisions of a newly issued PSD permit;</li> <li>• Incorporate provisions of a Title I modification;</li> <li>• Changes existing limits or requirements.</li> </ul>



Bureau of Air and Radiation employees are also available to assist facilities with case specific questions and determinations. If you have any questions about Class I permit revisions, contact Mindy Bowman at (785) 296-6421 or Rick Bolfig at (785) 296-1576.

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